

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Friday, September 12, 2008

7:00 P.M.

- 1. CALL TO ORDER, MAYOR ROSEANN MINNET**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. INVOCATION** – Reverend George Hunsaker
- 4. PRESENTATIONS**
 - a. Budget Presentation Award – Town Manager Colon
 - b. Presentation by Michael Arker to the Town of Lauderdale-By-The-Sea and the Volunteer Fire Department (Mayor Minnet)
- 5. REPORTS**
 - a. Finance & Budget Monthly Report – July 2008 (Manager Colon)
 - b. Development Services Monthly Report – July 2008 (Assistant Olinzock)
 - c. Municipal Services Monthly Report – July 2008 (Assistant Olinzock)
 - d. Broward County Sheriff's Office Monthly Report – June 2008 (Chief Gooding)
 - e. Broward County Sheriff's Office Monthly Report – July 2008 (Chief Gooding)
 - f. Volunteer Fire Department Monthly Report – July 2008 (Chief Perkins)
- 6. TOWN MANAGER REPORT**
- 7. APPROVAL OF MINUTES**
 - a. July 22, 2008 Workshop Minutes
 - b. July 22, 2008 Special Hearing Minutes

c. July 22, 2008 Regular Meeting Minutes

8. PUBLIC COMMENTS

9. ORDINANCES

A. Ordinances 1st Reading - "Public Comments"

1. **Ordinance 2008-19:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-7 OF THE CODE OF ORDINANCES TO ESTABLISH AN APPLICATION FEE FOR APPEALS FROM ADMINISTRATIVE DECISIONS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action – Manager Colon)
2. **Ordinance 2008-20:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-6 OF THE CODE OF ORDINANCES TO ESTABLISH THE APPLICATION FEE FOR APPLICATIONS INVOLVING THE JURISDICTION OF THE PLANNING AND ZONING BOARD; CLARIFYING THE PROCEDURE FOR MAKING APPLICATIONS WHICH ARE REVIEWABLE BY THE PLANNING AND ZONING BOARD; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action – Manager Colon)
3. **Ordinance 2008-21:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-8 OF THE CODE OF ORDINANCES TO ESTABLISH BY ORDINANCE AN APPLICATION FEE FOR VARIANCE REQUESTS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action – Manager Colon)
4. **Ordinance 2008-22:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-7 OF THE CODE OF ORDINANCES TO ESTABLISH THAT THE TOWN COMMISSION WILL BE THE FINAL DECISION MAKER FOR APPEALS FROM ADMINISTRATIVE DECISIONS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action – Manager Colon)
5. **Ordinance 2008-23:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-8 OF THE CODE OF ORDINANCES TO MODIFY THE CRITERIA GOVERNING VARIANCE REQUESTS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action – Manager Colon)
6. **Ordinance 2008-24:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-8 OF THE CODE OF

ORDINANCES TO REDESIGNATE THE PERSONNEL CHARGED WITH PROVIDING RECOMMENDATIONS TO THE COMMISSION IN CONNECTION WITH VARIANCE REQUESTS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action – Manager Colon)

B. Ordinances 2nd Reading – “PUBLIC HEARING”

1. **Ordinance 2008-11:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 5-34 OF THE CODE OF ORDINANCES, BEACH MAINTENANCE, TO EXTEND THE REQUIREMENT THAT BEACH EQUIPMENT BE REMOVED FROM THE BEACH EACH EVENING TO THE ENTIRE SHORELINE OF THE TOWN, AND TO ELIMINATE THE REQUIREMENT THAT THE LOCATION OF BEACH EQUIPMENT BE RESTRICTED TO SPECIFIED BEACH AREAS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE. (Approved 1st reading May 13, 2008 - Tabled at the May 27, 2008 Commission meeting by Vice Mayor McIntee)
2. **Ordinance 2008-01:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR CERTAIN TEXT AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN TO ADDRESS THE 2005 EVALUATION AND APPRAISAL REPORT; PROVIDING FOR TRANSMITTAL OF THE PROPOSED AMENDMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Approved 1st reading January 8, 2008 – Tabled at the July 22, 2008 Commission meeting by Commissioner Clotney)

10. COMMISSIONER COMMENTS

11. CONSENT AGENDA

- a. Commission Approval of Expenditure for Storm Drain Cleaning of 163 Structures by Piggybacking Palm Beach County Board of Commissioners Contract #05007A with Shenandoah Construction Company in the amount of \$63,180.00. Cleaning is to be completed in This Current Fiscal Year. Map of 163 Structures to be cleaned Attached (Assistant Olinzock)
- b. Approval of Agenda Item Request Form for Commission meetings from 10/14/2008 thru 03/24/2009; Date change of Nov 11, 2008 to Nov 12, 2008 due to Veterans Day (Clerk White)
- c. Commission approval of the issuance of fifty (50) parking permits for Ocean Conservancy's International Coastal Cleanup, Saturday, September 20, 2008 8:00 AM till 2:00 PM, Bougainvillea parking lot (Assistant Olinzock)

- d. Ratification by Town Commission of the Meeting Date Change for the Master Plan Steering Committee to the Third Tuesday Evening of Every Month at 7:00 P.M. (Assistant Olinzock)
- e. Commission approval of Volunteer Fire Department Contract for Fire Protection and Fire Prevention Services (Manager Colon)
- f. Commission approval of Emergency Medical Services contract with Broward Ambulance, Inc. d/b/a American Medical Response (AMR) (Manager Colon)
- g. Commission approval of Villas By The Sea minor site plan modification for Building "D" (Assistant Olinzock)
- h. Commission approval of Town sponsored Special Events Application for the first annual LBTS October Greenfest 2008, Saturday, October 4, 2008, from 7 a.m. to 2 p.m., providing for the Adopt-A-Street Program Kick-Off, Hazardous Waste and Electronics Recycling for the Town residents, use of Jarvis Hall during the Event (Assistant Olinzock)
- i. Consent for a \$4,000 budget for a Halloween Party (Commissioner Silverstone)
- j. Commission approval for Emergency Storm Drain Repairs by Man-Con, Inc., 4400 Bougainvillea Drive, 4629 El Mar Drive, 4546 El Mar Drive (Assistant Olinzock)

12. RESOLUTION – "Public Comments"

- a. **Resolution 2008-18:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REPEALING RESOLUTION NO. 1254, WHICH PROVIDED FOR RENTAL FEES TO BE CHARGED FOR THE USE OF JARVIS HALL AND IMPOSING, INSTEAD, THE REQUIREMENT THAT ALL USERS OF JARVIS HALL MAKE A \$100 SECURITY DEPOSIT, TO BE APPLIED AGAINST ANY COSTS INCURRED IN CLEANING AND/OR REPAIRING JARVIS HALL AFTER ITS USE (Assistant Olinzock)
- b. **Resolution 2008-23:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF A TOWING SERVICES AGREEMENT BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA AND SAL'S TOWING FOR THE PROVISION OF TOWING SERVICES; PROVIDING FOR AN EFFECTIVE DATE (Assistant Olinzock)

13. QUASI JUDICIAL PUBLIC HEARINGS

- a. Variance for 4329 El Mar Dr for a 5 foot high fence within 25 feet of the front property line to enclose swimming pool (Assistant Olinzock)
- b. Variance for 278 Miramar for fence location with a 4 foot setback from property line, put inside the hedge, 5 feet in height, with fence material other than wood (Assistant Olinzock)

14. OLD BUSINESS

- a. Discussion and/or action regarding drafting an Ordinance to pull bags from the parking meters on Bougainvillea and Poinciana (Tabled at the March 25, 2008 Commission meeting by Vice Mayor McIntee)
- b. Discussion and/or action: Chamber of Commerce Agreement (Tabled at the July 22, 2008 meeting by Vice Mayor McIntee)
- c. Discussion and/or action of the annual Christmas By-The-Sea – sponsored by Town, Chamber and local business (Tabled at the July 22, 2008 by Commissioner Silverstone)
- d. Additional action and discussion with regard to the Chamber of Commerce (Commissioner Dodd)

15. NEW BUSINESS

- a. Discussion and/or action regarding “Entertainment” Overlay District (Commissioner Dodd)
- b. Discussion and/or to allow residents during public comments to address Commissioners by name and let the Mayor be in charge of ensuring respect (Commissioner Dodd)
- c. Discussion and/or action on the roles of MPSC & P&Z with relation to the Overlay District (Commissioner Dodd)
- d. Discussion and/or action regarding Minto’s continued use of the Town’s El Prado Parking Lot for contractors and construction traffic (Commissioner Dodd)
- e. Discussion and/or action providing sand to residents to prepare for hurricanes (Mayor Minnet)
- f. Discussion and/or action regarding Town Hall parking on election dates and issuance of parking passes to Brenda Snipes for election supervisory staff (Commissioner Dodd)

**Town Commission Regular Meeting Agenda
September 12, 2008**

- g. Discussion and/or action to make an appointment to the Broward Water Resource Task Force (Mayor Minnet)**
- h. Discussion and/or action regarding an electronic voting system (Clerk White) (Requested by Commission Dodd)**
- i. Discussion and/or action pertaining to referendum ie: City of Cape Canaveral (Vice Mayor McIntee)**
- j. Discussion and/or action to require placement of rip current information in every hotel & condo (Commissioner Clotney)**
- k. Discussion and/or action to Allow VFD to patrol beaches ASAP (Commissioner Clotney)**

16. TOWN ATTORNEY REPORT

17. FUTURE AGENDA ITEMS

September 25, 2008 - Special Public Hearing – 5:01 PM

- a. Adopt Final Budget, TRIM, Millage**
- b. Discussion and/or action regarding relocating the Chamber of Commerce to a building on Commercial Boulevard (Tabled at the July 8, 2008 meeting by Vice Mayor McIntee)**

18. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 776-0576 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.